

REMARKS

In accordance with the foregoing, claims 16, 24, 31 and 40 have been amended. Claims 16-40 are pending and under consideration.

The sole issue in the outstanding Office Action is a rejection of claims 16-40 under 35 USC § 102(b) as being anticipated by U.S. Patent No. 5,845,090 to Collins, III et al.

This reference discloses a method of transferring digital computer programs and data from one or more source digital computers to one or more electronically connected target digital computers, each called a Target. According to the method, a Remote Package Manager is established within each Target. An installation method and a backout method are defined, wherein the installation method includes the step of collecting information from the Target digital computer's memory or permanent storage, and transmitting said information to a third digital computer called a Collection Receiver. A package is built, wherein the step of building includes the step of combining the installation method and the backout method with digital computer programs and data into an object such that the Package includes embedded methods for installing and removing the digital computer programs and data. The Package is transferred by electrically transmitting the Package in digital form to each Target. The Package is then unpacked on each Target. In unpacking, a message is transmitted from the Remote Package Manager to the Package and, as a function of the message transmitted from the Remote Package Manager, one or more of the embedded methods is executed. The Package becomes a self-executing entity that acts autonomously in response to the message to execute one or more of the embedded methods. See claim 1.

Independent claims 16, 24, 31 and 40 have been amended to recite that the agent system update program assembles the agent system by selectively adding components. Antecedent basis for this limitation can be found, for example, at paragraph [0047] of the application. On the other hand, column 8, lines 34-36 of Collins, III et al. indicate that a Transfer Daemon removes optional data files and methods which are inappropriate for the target computer. Rejections under 35 USC § 102 require that a single reference disclose each and every claim limitation. Collins, III et al. does not disclose adding components. Accordingly, the invention is novel with regard to Collins, III et al.

It is also believed that the invention is non-obvious in view of Collins, III et al. For example, Collins, III et al. describes that "if Package A1 is to be backed out, B1 and C1 may be safely left in place, and only A2 must be removed first. Since A2 is now likely to be related to A1, there is less likelihood of unintended affects of a backout." See column 8, lines 17-21.

Further, column 1, lines 55-59 state that "a key feature of the present invention, which

distinguishes it in the art, is the use of object technology to encapsulate Packages, such that the transfer is not a mere transmission and receipt of binary data from one digital computer to another."

In accordance with the foregoing amendments and remarks, it is submitted that independent claims 16, 24, 31 and 40 patentably distinguish over Collins, III et al.

Claims 17-23, 25-30 and 32-39 depend directly or indirectly on one of the independent claims. These claims contain the limitations of the respective independent claim and additional patentable limitations. For example, claim 21 recites that the agent system launcher tests at least one of hardware and software of the client computer in order to produce the identifier. To address this limitation, the Examiner cites the text beginning at column 6, line 58 of Collins, III et al. It appears that the Examiner is relying upon statements in Collins, III et al. such as "[I]f any of these steps fails (48), then the Transfer Daemon messages the backout methods (51) to reverse the affects of the package on the system." See column 6, lines 65-67. However, this portion of the text refers to a failure in the Collins, III et al. method. This portion of the text does not indicate that testing is performed. In fact, Collins, III et al. does not mention testing.

It is submitted that all claims patentably distinguish over the references cited by the Examiner. There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: June 22 2003

By: Mark J. Henry

Mark J. Henry
Registration No. 36,162

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

CERTIFICATE UNDER 37 CFR 1.8(a)
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 20, 20 05
STAAS & HALSEY
By: Mark J. Henry
Date: 6-20-05